

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

L.E., by his next friends)
and parents, SHELLEY)
ESQUIVEL and MARIO ESQUIVEL)
)
)
Plaintiff)
)
vs.) No. 3:21-cv-00835
)
BILL LEE, in his official)
capacity as Governor of the)
Tennessee, et al.)
)
Defendants)

VIDEOTAPED

DEPOSITION

OF

MARIO ESQUIVEL

August 2, 2022

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1 Q Okay. How long have you played golf?

2 A I've played golf maybe 22 years.

3 Q Did you ever play on a golf team?

4 A No.

5 Q When you play golf, do you play an

6 18-hole golf course?

7 A Typically, yes.

8 Q Okay. When you began to play with L.E.,

9 what golf courses did you play?

10 A Mostly middle-school courses.

11 Q Are those courses 18-hole golf courses?

12 A Yeah, some are 18, and some are

13 par-three courses, which are nine holes.

14 Q Are par-three courses shorter than

15 18-hole courses?

16 A Yes.

17 Q Okay. And I know that you mentioned nine

18 holes, but are the holes themselves shorter in distance?

19 A Yes.

20 Q Okay. Which golf courses have you played

21 with L.E.?

22 A We primarily play the par-three at

23 Concord Park Par 3.

24 Q Okay. What other golf courses?

25 A Knox Municipal Golf Course.

1 Q What type of golf course is that?

2 A City. City owned. It's a full 18-hole

3 golf course.

4 Q Okay. Any other golf courses you play

5 with L.E.?

6 A We played the First Tee Williams Creek

7 Golf Course and Centennial Golf Course.

8 Q First Tee Williams Creek?

9 A Yes.

10 Q Is that an 18-hole or a nine-hole course?

11 A That is actually an 18-hole par-three.

12 The longest one is a par-four, but...

13 Q Okay. And what about Centennial Golf

14 Course?

15 A That's a golf -- a regular golf course.

16 Q When you say regular, do you mean 18

17 holes?

18 A Eighteen hole, yes.

19 Q Okay. Which of these golf courses do you

20 play most often?

21 A It would be a tie between Concord Park

22 and Knox Municipal.

23 Q When you play Knox Municipal, do you play

24 all 18 holes?

25 A That's a mixture. Sometimes it's nine,

1 and sometimes it's 18.

2 Q And when you play golf with L.E., do you
3 walk or use the golf carts?

4 A Both. We've walked and rode.

5 Q Are there golf clubs that are designated
6 for boys and golf clubs that are designated for girls?

7 A No, not that I'm aware of.

8 Q Do you know if the golf clubs that L.E.
9 uses are designated for either boys or girls?

10 MS. RILEY-SWANBECK: Objection to form.

11 A The golf clubs we -- we go to are public,
12 so everyone can go to them.

13 Q Okay.

14 A They're -- yeah, they're municipal, City,
15 City-owned courses.

16 Q When I refer to golf clubs, I mean the
17 physical -- the wedges and the different clubs that you
18 hit --

19 A Oh, oh, I thought --

20 Q -- the golf ball with.

21 A I'm sorry, I thought you meant, like,
22 Augusta National or a golf club, country clubs. Okay.

23 Q Without being able to --

24 A Okay. I'm sorry.

25 Q -- better identify the different

1 clubs, --

2 A Okay.

3 Q -- I'm referring to drivers, and wedges,
4 and putters, and things like that.

5 A Okay.

6 Q Okay. So let me start back.

7 A Yes.

8 Q Do you know -- now that we agree what I
9 mean by golf clubs, are there golf clubs designated for
10 boys or girls?

11 A Yes, there are.

12 Q Okay. And do you know the clubs that
13 L.E. uses, whether it is designated for boys or girls?

14 MS. RILEY-SWANBECK: Object to form.

15 A The clubs L.E. used are generally for men
16 or boys.

17 Q How long has L.E. used that set of clubs?

18 A For two years.

19 Q Can you describe for me the different box
20 tees that are available at the golf courses you play with
21 L.E.

22 A Yes. The golf tees are for yardage. You
23 have a set that's closer to the hole, a set that is maybe
24 25 yards past that, and then 25 yards past that for
25 different levels of golf.

1 A I would say on average or on par with all
2 the other -- there is clearly separation between top girls
3 from the rest, but pretty average.

4 Q At some point L.E. -- well, let me strike
5 that. L.E. wants to play on the Farragut High School
6 boys' golf team; is that correct?

7 A Yes.

8 Q Okay. Did you have a discussion with
9 L.E. about whether to play for the Farragut High School
10 boys' team or the girls' team?

11 MS. RILEY-SWANBECK: Objection.

12 A We just had discussions to play on the
13 team.

14 Q And what were those discussions?

15 A He really wanted to play on the boys'
16 team.

17 Q And did L.E. say why?

18 A Because he was a boy.

19 Q And what was your response to that?

20 A "Yes, you are a boy. You should play on
21 the boys' team."

22 Q Okay. Did you ever discuss with L.E. the
23 option to play on the Farragut High School girls' golf
24 team?

25 A Yes.

1 Q Okay. And what were those discussions?

2 A At the time -- golf is a very hard game
3 to play. You need constant practice and repetition. I
4 felt to play on the -- play golf with a group of kids
5 gives you practice, and those are mostly courses I would
6 never be able to play on or afford to play to, what they
7 were playing on, and he really enjoyed playing the game,
8 and he -- he just doesn't want to -- didn't feel
9 comfortable playing with the girls.

10 So that crushed me, and I said, "I don't
11 want you to be uncomfortable," and he didn't want to play
12 with the girls, and I said, "Okay, then. We're not going
13 to play golf, then."

14 Q Does L.E. have any friends on the
15 Farragut High School girls' golf team?

16 A Yes.

17 Q Is L.E.'s best friend on that girls' golf
18 team?

19 A Yes.

20 Q To your knowledge, did any of the girls
21 on the Farragut Middle School golf team discriminate
22 against L.E.?

23 MS. RILEY-SWANBECK: Objection.

24 A I wasn't there for -- like I said, I was
25 dropping her off and watching -- when you watch golf, you

1 have to kind of stay away, and you can kind of watch from
2 a distance, so I -- I don't know if there was any
3 discrimination during play.

4 Q Did L.E. ever mention to you that any of
5 the girls on the golf team were not nice?

6 A No.

7 Q And do you know whether L.E. mentioned to
8 your wife whether any of the girls on the Farragut Middle
9 School golf team were not nice?

10 A Not that I'm aware of.

11 Q Okay. Do you know why L.E. felt
12 uncomfortable on the girls' golf team?

13 A Yes. I noticed because all of the golf
14 girls, they wear ponytails and skirts and the ladies-cut
15 shirts, and he didn't feel a part of that, that group
16 while playing. He just enjoys the game, like, enjoyed
17 being out there, just felt -- didn't feel comfortable.

18 Q You mentioned that the Farragut High
19 School boys' team and girls' team plays courses that you
20 -- I believe you said you cannot afford; is that right?

21 A Yes. They're at golf country clubs.

22 Q Do you know if those courses are regular
23 18-hole golf courses?

24 A Yes.

25 Q Have you or L.E. ever played on any of

1 those courses?

2 MS. RILEY-SWANBECK: Object to form.

3 A L.E. has played during meets, but not
4 myself.

5 Q So during the middle-school golf team,
6 L.E. played some of these courses; is that right?

7 A Yeah. So high school and middle school's
8 -- I don't know the middle school's schedule -- or, I'm
9 sorry, I don't know the high school's schedule, but I
10 believe they share the same home course, which is a golf
11 club or country club.

12 Q And what is that home course?

13 A Fox Den Country Club.

14 Q How often does L.E. go to the driving
15 range?

16 A Well, we try to go frequently, as often
17 as possible, but life happens and sometimes we cannot get
18 to it all the time. I try to do it at least a couple
19 times a month. You know, some weeks are better than
20 others.

21 Q What driving range do you go to?

22 A Fairways and Greens.

23 Q Does that driving range have areas where
24 you can putt?

25 A Yes.

1 TSSAA's rules.

2 A Not -- not -- not all of them, so, no.

3 Q Okay. Paragraph 76 talks about when L.E.
4 told you and his mom that L.E. was a boy, and what do you
5 recall about when you first were told L.E. was a boy and
6 when L.E. began to use male names, grooming and dressing?

7 MS. RILEY-SWANBECK: Objection.

8 A Could you repeat that first part of the
9 question?

10 Q Sure. When L.E. told you that L.E. was a
11 boy, was that something that you had thought of or
12 considered before?

13 MS. RILEY-SWANBECK: Objection.

14 A Yes.

15 Q Okay. Why?

16 A He started taking on the -- the persona
17 like -- or started becoming how a boy was as far as
18 appearance and attitude and -- and -- and everything was
19 -- was -- was boyish.

20 Q How did you respond to L.E. telling you
21 that L.E. was a boy?

22 A Shocked, confused, and at the same time
23 supportive and accepting.

24 Q Did you do any research about transgender
25 persons or how to parent transgender persons once you

1 found out?

2 A No.

3 MS. RILEY-SWANBECK: Objection.

4 THE WITNESS: No.

5 Q How did you decide as a parent how to
6 treat and support L.E. as a transgender person?

7 A Well, L.E. is a boy. I accepted him as a
8 boy. As far as treating goes, there's no -- I don't like
9 treating. There is no -- I don't see that.

10 Q Okay. Let me --

11 A That's not -- I don't like the word
12 treating. That's -- L.E. is a boy, and it's like -- it's
13 like -- it's not -- he is a boy. I'm not --

14 Q Let me ask a better question so you know
15 what I'm asking for. What I meant was, how did you decide
16 what medical treatments or decisions to make for L.E.?

17 A Oh. We would talk to a pediatrician.

18 Q I did not mean treat in general, so that
19 was --

20 A That's okay.

21 Q -- a bad question. So, yes, how did you
22 decide the medical decisions for L.E.?

23 A With my wife and I and L.E.

24 Q Have you done any research of your own
25 about the scope and course of L.E.'s medical treatment?

1 MS. RILEY-SWANBECK: Object to form.

2 A No, not -- not my own personal research.

3 Q Okay. Paragraph 79 states that, the last
4 sentence, "With the support of his parents, L.E. intends
5 to begin testosterone therapy when older and when
6 healthcare providers deem it medically appropriate." Is
7 that -- is that your understanding of the next -- well,
8 strike that. Does L.E. intend to begin testosterone
9 therapy at some point in the future? Is that still true
10 today?

11 A Yes.

12 Q Okay. What is your understanding of the
13 testosterone therapy being recommended for L.E.?

14 A What does it mean or --

15 Q Yes, what will it involve for L.E.
16 specifically?

19 Q And what is your understanding of when
20 the treatment can or should begin?

21 A I believe the age of 16 to 18, so...

22 Q Paragraph 80 states that, "L.E.'s health
23 and well-being depend on him being able to live life fully
24 as the boy he is." Is that your -- do you agree with that
25 sentence?

1 | A Yes.

Q And why do you agree with it?

3 A He is full of life. He's really happy
4 with -- with -- with himself, and I don't want to take
5 that away from him.

6 Q Has a doctor or healthcare provider told
7 you that L.E.'s health depends on being able to live as a
8 boy?

9 MS. RILEY-SWANBECK: Objection.

10 A Like, you mean in notes? Yeah. Yes.
11 Yes. He has suffered anxiety, depression with when he
12 before he transitioned and was not feeling like himself

13 Q What was your understanding of L.E.'s
14 anxiety?

15 MS. RILEY-SWANBECK: Objection.

16 A I never understood it because some stuff
17 he kept to himself, so I cannot say what...

18 O Do you know what L.E. was anxious about?

19 A No, I do not, but once he transitioned
20 over, it seemed he was like a new person within himself.

21 Q L.E. has a pediatrician, and what is that
22 pediatrician's name?

23 A Dr. Abby Blackman.

24 Q Has Dr. Blackman said that L.E.'s health
25 depends on being able to live fully as a boy?

1 MS. RILEY-SWANBECK: Objection.

2 A I don't remember those -- those words
3 being said, but she was very concerned about him.

4 Q And L.E. also goes to therapy; correct?

5 A Yes.

6 Q Okay. Do you know -- well, strike that.

7 The name we've been provided as L.E.'s therapist is a
8 licensed social worker. Is that your understanding of the
9 therapist's credentials?

10 MS. RILEY-SWANBECK: Objection.

11 A Yes.

12 Q Has the therapist ever said that L.E.'s
13 mental health depends on being able to live fully as a
14 boy?

15 A Yes.

16 Q And what has the therapist said about
17 that?

18 MS. RILEY-SWANBECK: Objection.

19 A The anxiety, the depression.

20 Q So I understand that L.E. has or had
21 anxiety, depression. Is it your testimony that those
22 conditions would be worse if L.E. cannot live life fully
23 as a boy?

24 MS. RILEY-SWANBECK: Objection.

25 A Yes. In my opinion, yes.

1 Q Did the therapist say those anxiety and
2 depression conditions would be worse if L.E. cannot live
3 life fully as a boy?

4 A I don't -- L.E. is a boy, so I -- I can't
5 express -- so I agree with the therapist, yeah. L.E. is a
6 boy, so I -- I believe it will harm.

7 Q Who treats L.E. for anxiety, which
8 medical provider?

9 A Dr. Blackman.

10 Q Okay. If you'll turn back to Page 22 of
11 the complaint, Paragraph 69 mentions SB, which I'll
12 represent is short for senate bill, 228, and it states in
13 the last sentence the bill took effect -- well, I'm sorry.
14 It says in the sentence before that that Senate Bill 228
15 was signed into law by Governor Bill Lee on March 26th.
16 Did you know about Senate Bill 228 when it was being
17 considered in the state legislature?

18 A No, I don't remember.

19 Q And when I mention Senate Bill 228, do
20 you know the law that I'm referring to?

21 A Yes.

22 Q Okay. What does the law say to your
23 understanding? And when I say the law, I mean Senate Bill
24 228.

25 A To me, it's a horrible law that is

1 | licenses Sam has?

2 A Not the specifics, no.

3 Q Are you aware that a licensed social
4 worker does not have a medical degree?

5 A No, I wasn't aware of that.

6 Q What is your understanding of L.E.'s
7 gender dysphoria?

8 A What do you mean by understanding?

9 Q Do you know -- do you know generally what
10 gender dysphoria is?

11 A Yes.

12 Q Okay. And what do you know about it in
13 general?

16 Q Have you observed this in L.E.?

17 A Yes.

18 Q What have you observed?

19 A Mostly with the golf team being -- like I
20 said earlier, being around -- being forced to play with
21 the girls and just the uneasiness associated with that.

22 Q What treatment is L.E. receiving for
23 gender dysphoria?

24 A He's taking some, like,

25 , and that's it.

1 Q If you look to Interrogatories Number 2
2 and 3, they ask about dates when L.E. began to social
3 transition and when L.E. began pubertal suppression
4 medication, and my question is, did you provide
5 information for the response?

6 A No.

7 Q Okay. For Interrogatories Number 1, 2,
8 and 3, do you have any reason to disagree with the
9 responses provided?

10 A No, I don't disagree.

11 MS. RILEY-SWANBECK: Objection.

12 THE WITNESS: No, I do not disagree.

13 Q Okay. What is your knowledge about
14 L.E.'s social transition?

15 MS. RILEY-SWANBECK: Objection.

16 A The big one was the name change.

17 Q And why do you say that was the big one?

18 A Because that's the only one I heard of.

19 Q Did L.E. dress differently once he shared
20 with you that he was a boy?

21 A No, he dressed the same.

22 Q Do you know how L.E.'s social transition
23 was received by schoolmates?

24 A It was received very well.

25 Q And how do you know that?

1 A He has a small group of friends that are
2 very accepting.

3 Q Are those friends boys or girls?

4 A I believe they're girls.

5 Q Why did L.E. begin pubertal suppression
6 medication?

7 A Because he's a boy and wanted to, I
8 guess, slow or stop puberty.

9 Q Interrogatory Number 4 asks for
10 interscholastic athletic events, clubs, or teams L.E. has
11 participated on in middle or high school, and the response
12 was the middle-school girls' golf team. Are you aware of
13 other athletic events, clubs, or teams that L.E. has
14 participated on?

15 A No, that was just the middle-school
16 girls' golf team.

17 Q Outside of the school setting, it's my
18 understanding that L.E. is participating in a community
19 theater play?

20 A Yes.

21 Q Okay. Are there other examples such as
22 the play where L.E. is participating in clubs or
23 activities?

24 A Oh, yes, the SGA club at school. There
25 is the Knoxville Pride group, and he's in a group called

1 GLSEN, which I don't know what it stands for. He does --
2 does stuff with them.

3 Q Can L.E. learn skills such as discipline,
4 working with other people in these groups?

5 MS. RILEY-SWANBECK: Objection.

6 A What kind of skills did you say again? I
7 mean, of course.

8 Q What would you say were the benefits that
9 L.E. got from participating on the girls' middle-school
10 golf team?

11 A Being part of a team camaraderie; the joy
12 of, I guess, if competition is a thing; being part of
13 something bigger than yourself.

14 Q And can L.E. still get team camaraderie
15 and being a part of something bigger than -- than yourself
16 from the play and the other groups that L.E. participates
17 in?

18 MS. RILEY-SWANBECK: Objection.

19 A You could say that about anything really.
20 This is -- it's a different kind of -- it's just two
21 different -- I don't see how that is no different --
22 sports are different than clubs and work.

23 Q What benefits does L.E. get from
24 participating in the play or some of these school clubs or
25 groups such as the SGA club, Knoxville Pride group, and

1 GLSEN?

2 A The play is, I'm guessing, more
3 organizational, time-management skills. The SGA, I don't
4 know what they really discuss in those clubs at school,
5 and the Knox Pride is -- it's like a -- it's just a
6 gathering of -- of -- of kids, and GLSEN is -- it's
7 organizational stuff. I'm not really too sure of the
8 details of the GLSEN program.

9 Q From the play and the Knoxville Pride
10 group, does L.E. get to experience group camaraderie or
11 working well with other members?

12 MS. RILEY-SWANBECK: Objection.

13 A That's a different kind of camaraderie
14 compared to being on a -- part of a sports team. Being a
15 part of a sports team is special. I'd rather be part of a
16 sports team than, like, a group of people at work; right?

17 Just being part of a sports team is very
18 special to him. I can see it in his -- his eyes when he
19 plays. He's a very rah-rah guy, team guy, and sports
20 really makes him happy. The play, he's stressed out all
21 the time trying to learn time-management skills, but when
22 he's out playing a sport, that really, really makes him
23 happy.

24 Q Have you looked into clubs or junior
25 leagues or other ways that L.E. could play golf?

1 A Yes.

2 MS. RILEY-SWANBECK: Objection.

3 THE WITNESS: Yes.

4 Q Okay. Did you participate in any
5 organizations or alliances that support transgender
6 persons before L.E. told you that L.E. is a boy?

7 A No.

8 Q Did your wife?

9 A I don't -- I don't know.

10 Q Okay. Are you or L.E. waffling at all on
11 the testosterone treatment?

12 MS. RILEY-SWANBECK: Objection.

13 A No.

14 Q How was L.E. different after the time
15 that L.E. told you L.E. is a boy? What changed? Like,
16 did anything change? Obviously, you've mentioned the name
17 change, that you made that official. What else?

18 A He -- he felt like he -- he -- he -- he
19 felt belong -- like, a sense of belonging. He felt -- he
20 was -- he felt kind of like a weight lifted off his
21 shoulder feeling and felt right and felt -- I think he got
22 more goofy after that. Yes, so he felt more -- more
23 comfortable, happy, like a kid.

24 Q What about the way L.E. dressed, groomed,
25 appeared, did that change?

1 A Well, L.E. always wore, like, shorts and
2 t-shirts, so that never changed.

3 Q Have you discussed that L.E. is a
4 transgender person with people at L.E.'s high school?

5 A No, I have not personally.

6 Q Do you know whether your wife has?

7 A No, I do not.

8 Q Did you discuss L.E. trying out or
9 participating with the Farragut High School boys' team
10 with anyone from the high school?

11 A No.

12 Q You mentioned this Sneads Golf. Is --
13 did you look at what that would cost?

14 A Yes.

15 Q Okay. And is the cost of that program a
16 burden for L.E. being able to participate in the program?

17 MS. RILEY-SWANBECK: Objection.

18 A A burden?

19 Q Or is it a reason why L.E. would not be
20 able to participate?

21 MS. RILEY-SWANBECK: Objection.

22 A No, it's not a reason.

23 Q Have you understood the questions I've
24 asked you today?

25 A Yeah. For the most part, yes.

1 questions.

2 A Okay.

3 Q So let's go back. Did you have a
4 conversation at some point with L.E. about not playing
5 golf on the girls' team?

6 A I'm sorry, I'm trying to -- to not play
7 on the girls' team?

8 Q About his desire to no longer play on
9 the --

10 A Oh.

11 Q -- girls' team.

12 A Oh. Yes.

13 Q Okay, great.

14 A Yeah.

15 Q When did that occur?

16 A That was freshman year or the summer of
17 going into -- from middle school going into freshman year.

18 Q So that conversation occurred in summer
19 of 2021; is that correct?

20 A Yeah.

21 Q And I believe that you testified earlier
22 that you said or you thought, "I guess that means we
23 aren't playing golf." Is that right?

24 A Yes.

25 Q And why did you think that?

1 A Because L.E. is a boy. He didn't want to
2 play on the girls' team.

3 Q Okay. And was there a cost associated
4 with playing on the Farragut Middle School golf team?

5 A Yes.

6 Q Do you remember what that cost was?

7 A I know I had to buy uniforms.

8 Q Were there green fees associated with the
9 matches that we looked at on the calendar earlier?

10 A No.

11 Q Okay. And then you also testified that
12 there was an issue with L.E. being able to use the
13 bathroom of his choice at some point. Was that at
14 Farragut Middle School?

15 A Farragut High School.

16 Q So it's your testimony that there has
17 been an issue with L.E. using the bathroom of his choice
18 at Farragut High School?

19 A Yes.

20 Q And my last question is, just as someone
21 who's played golf for 22 years and played extensively with
22 L.E., --

23 A Yeah.

24 Q -- do you think he could average a score
25 of 90 or better while walking 18 holes at a standard

1 course?

2 MS. RILEY-SWANBECK: Objection.

3 A Of course, I believe, yeah, of course,
4 definitely.

5 MS. JOHNSON: Okay. That's all I have.

6 MS. RILEY-SWANBECK: Can we take a quick
7 break?

8 THE VIDEOGRAPHER: The time on the camera
9 is 12:13. We're off.

10 (Short break.)

11 THE VIDEOGRAPHER: Okay. We're back on
12 the record. The time on the camera is 12:22.

13 EXAMINATION

14 BY RILEY-SWANBECK:

15 Q Mr. Esquivel, I want to ask you just a
16 few more followup questions.

17 A Okay.

18 Q L.E. is a boy; is that right?

19 A Yes, he is.

20 Q What does L.E.'s birth certificate say?

21 A Female.

22 Q But do you still understand L.E. to be a
23 boy?

24 A Yes, L.E. is a boy.

25 Q And you mentioned that you had

1 conversations with L.E. about not wanting to play on the
2 girls' golf team; is that right?

3 A Yes.

4 Q Why did L.E. not want to play on the
5 girls' golf team?

6 A Well, L.E. is a boy, and he just did not
7 feel comfortable playing on the girls' team. He felt out
8 of place. He felt -- he felt he didn't belong there on
9 the girls' team and wanted to play on the boys' team
10 instead.

11 Q Was he concerned that others would see
12 him as a girl?

13 A Yes, yes, initially, yes, but -- yeah.
14 You mean on the girls' -- on the girls' golf team?

15 Q On the girls' golf team.

16 A Oh.

17 Q If he played, excuse me, was he concerned
18 that others would see him as a girl if he played on the
19 girls' golf team?

20 A Yes. Yes.

21 Q And what do you think that would do to
22 him?

23 A It would hurt him. He already felt out
24 of place, just -- it's just hard for me to imagine him
25 trying to play somewhere you didn't fit in when you know

1 you should be playing somewhere else that -- that brings
2 you to play a game, and you can't have fun because you are
3 -- are -- like I said, he's walking with other players
4 that aren't -- aren't like him, and to be forced to do
5 that is not -- that's not -- not good in my opinion.

6 Q Did L.E. tell you that he would rather
7 not play on a golf team than play on the girls' golf team
8 in high school?

9 A No, he told me he'd rather -- yeah. He
10 wants to play golf. He didn't -- he just didn't want to
11 play on the girls' team.

12 Q And is L.E. able to play on the boys'
13 team right now?

14 A No, he cannot because of this -- this law
15 that is -- that is discriminating against him for being a
16 boy. Yeah, so he doesn't have the opportunity right now.

17 Q What do you understand to be the harms to
18 L.E. of not being able to play on the boys' team?

19 A He's -- like I said earlier, when you're
20 a part of -- part of something, something special like a
21 sports team especially in high school or middle school,
22 you have that sense of generically accomplishment,
23 camaraderie, the -- the -- the pain of defeat, the agony
24 of defeat is what they say.

25 Everyone remembers their -- their -- at

1 least from my experience, you always remember the glory
2 days on the field, you work together, and he's missing --
3 missing all of those memories and locker room, "Buddy.
4 Buddy. Hey, remember this. You did great,"
5 and then all the energy you get when you play sports. He
6 does not get to experience any -- any -- any of that.

7 When -- like, the closest to the pin, the
8 closest to the pin, he -- you should have seen his face
9 light up when he actually made it and when -- when you see
10 him almost break par, that is -- it's special as a parent
11 to see that, and it -- he gets all of those benefits by
12 playing sports, and when you take that away from him, he's
13 not going to have any of that. It's hard, hard to say. I
14 don't want -- yeah, it's just -- I think sports are -- are
15 good for him.

16 Q Do you think the fact that L.E. cannot
17 play on the boys' golf team makes him feel isolated?

18 A Yes, not worthy, not -- an outcast. He
19 desperately wants to play, and that could have -- I mean,
20 that's like being excluded, being -- being not good
21 enough. That feeling, that weight will follow him through
22 school.

23 And when you're, like, part of a team,
24 everyone knows, you know, soccer team and football team.
25 You're all part. You're all -- you all have a common -- a

1 common interest, and he's not going to have that. He's
2 going to -- he's just going to be sad if he doesn't, and
3 as a parent, you want what's best for your child, and just
4 taking that away from him, he'd lose that -- that joy,
5 that -- the little smirk playing in a -- yeah, just the
6 sports, being a part of a team, yeah.

7 Q Just one more question for you.

8 A Yeah.

9 Q We talked a little bit about L.E.'s birth
10 certificate. Who do you think gets to determine whether a
11 person is a boy or a girl?

12 MS. BERGMEYER: Object to form.

13 A It's the person.

14 Q Do you understand a birth certificate to
15 be the only designation that determines whether a person
16 is a boy or a girl?

17 MS. BERGMEYER: Object to form.

18 A No, I do not.

19 MS. RILEY-SWANBECK: That's it. That's
20 it for us.

21 MS. BERGMEYER: Nothing further.

22 MS. JOHNSON: No.

23 THE VIDEOGRAPHER: We're going off the
24 record. The time is 12:31 on the camera.

1 FURTHER THE DEPONENT SAITH NOT.

2 MARIO ESQUIVEL

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7 Sworn to before me when

8 taken August 2, 2022.

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/s/ Donna D. Touseull

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Donna D. Touseull

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Licensed Court Reporter

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)

COUNTY OF KNOX)

I, DONNA D. TOUSEULL, Licensed Court Reporter in and the State of Tennessee, do hereby certify that I reported in machine shorthand the foregoing testimony held on the 2nd day of August 2022 that the foregoing 78 pages were transcribed by me and constitute a true record of the proceedings to the best of my knowledge and ability.

I further certify that I am not an attorney or counsel for any of the parties, nor an employee or relative of anyone connected with the action, nor financially interested in the action.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 22nd day of August 2022.

/s/ Donna D. Touseull

DONNA D. TOUSEULL
Licensed Court Reporter
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